IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

MFA.No. 487 of 2002()

OPMV.222/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TRIVANDRUM
.....

APPELLANT: APPLICANT:-

K.MOHANACHANDRAN NAIR,
S/O.KARUNAKARAN NAIR, KARAVILA VEEDU,
TC.7/1865, PANGODE, THIRUMALA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS: RESPONDENTS:-
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1. D.H.P. BABU, S/O.RAO,
TC.16/1440, "KARUNA", THYCAUD P.O.,
THIRUVANANTHAPURAM-14.

2. THE NEW INDIA ASSURANCE CO. LTD.,
DIVISIONAL OFFICE, THIRUVANANTHAPURAM,
REPRESENTED BY ITS DIVISIONAL MANAGER,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.R.RAMACHANDRA MENON

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. Radhakrishnan &
T.R. Ramachandran Nair, JJ.

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M.F.A.NO.487 OF 2002

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Dated this the 29th day of November, 2007

JUDGMENT

Radhakrishnan, J.

Heard learned counsel on both sides.

2. The only question raised is whether the amount of compensation awarded by the Tribunal is just and proper. Learned counsel for the claimant submitted that the disability certificate though produced, was not taken into consideration by the Tribunal. Doctor assessed 30%, but the Tribunal took it as 9% as the permanent disability. We have perused the medical certificate issued by the Medical College, Trivandrum and we find no reason to discard the said certificate. In such circumstances, we are inclined to calculate the compensation for disability taking into consideration 30% as permanent disability. If that be so, an amount of Rs.97,200/- will have to be awarded as total compensation for permanent disability instead of Rs.29,160/-.

In the above circumstances, the appellant will be entitled to get an additional compensation of Rs.68,040/- towards permanent disability which

will bear interest at the rate of 7.5% from the date of the application till payment

. In all other respects, the award will stand.

The appeal is disposed of in the above terms.

(K.S. Radhakrishnan, Judge.)

(T.R. Ramachandran Nair, Judge.)

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K.S. Radhakrishnan &
T.R. Ramachandran Nair, JJ.

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M.F.A. No.478 of 2002

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JUDGMENT

29th November, 2007.